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SUMMARY RECORD OF THE 1136th MEETING

Held at Headquarters, New York,
on Thursday, 2 April 1992, at 10 a.m.

Chairman: Mr. POCAR

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Peru (continued) (CCPR/C/51/Add.4)

1. At the invitation of the Chairman, Mr. Lazaro and Ms. Vargas (Peru) took places at the Committee table.

2. The CHAIRMAN said that sections V and VI of the list of issues would be considered together.

Non-discrimination, equality of the sexes before the law and protection of family and children (articles 2 (1), 3, 23, 24 and 26) (section V of the list of issues)

Rights of persons belonging to minorities (article 27) (section VI of the list of issues)

3. The CHAIRMAN read out section V of the list of issues concerning the second periodic report of Peru, namely: (a) the effectiveness of measures designed to promote full equality between men and women, including relevant statistical data concerning the participation of women in the political and economic life of the country; (b) treatment of aliens, and in what respects, other than the exercise of political rights, their rights were restricted as compared with those of citizens; (c) information on the law and practice relating to the employment of minors; and (d) the law and practice with respect to remuneration for work performed by men and women under the same conditions.

4. He read out the list of issues pertaining to section VI, namely: (a) additional information concerning legislation adopted to give effect to articles 34, 35 and 169 of the Constitution, as well as relevant practices, including concrete examples; (b) any factors and difficulties hampering the implementation and enjoyment of rights under article 27 of the Covenant, including the situation of indigenous people in areas experiencing problems of production and trade in drugs; and (c) measures taken to ensure effective participation by minority groups in the political process and information on minority representation in Congress.

5. Ms. VARGAS (Peru), referring to section V of the list of issues, said that the Constitution of Peru did not allow any discrimination on the basis of sex. Peruvian women had made great strides in recent years and their economic, political and social status had improved. The relevant statistics showed that government policies had had a positive impact on political participation by women.

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6. Aliens were unable to hold land or property along the country's borders and could not buy property in border provinces. In addition, the higher ranks of the military were not open to aliens. In general terms, there were some limits to the political rights of aliens when national security was threatened.

7. As to the protection of minors, a 1968 law protected minors in the workplace. The Ministries of Labour and of Health and other agencies provided services for minors. In compliance with international instruments, minors could not work in industry. The minimum age for agricultural and non-industrial work was 14; for fishery work, 16; and for harbour and maritime work, 18. Children 13 and 14 years old could not work more than six hours a day, or a total of 36 hours a week, with a two-hour rest period during the working day. For those 14 through 18 years of age, the working day must not exceed eight hours, or 45 hours a week. The Government was aware, however, that economic and social conditions forced many youth to work under illegal conditions. The Government was making innovations in the Code on Minors and establishing agencies to protect working minors. An ad hoc commission was currently reviewing the legislation in that area.

8. The Constitution provided for just remuneration under the same conditions for men and women, without distinction.

9. Turning to section VI of the list of issues, she said that article 161 of the Constitution, which was the basis for legislation on peasant and indigenous communities, recognized the legal existence and capacity of such communities. They were autonomous in their administrative organization, community work and use of land. The Government respected their traditions and promoted their business ventures and cooperatives. The land of indigenous peoples could not be seized, nor could ownership of the land be transferred.

10. Mr. LAZARO (Peru) said that Peru's constitutional provisions in respect of indigenous peoples also informed his Government's foreign policy. For example, Peru was seeking to promote the development of indigenous peoples in the context of its cooperation with other countries of the Amazon region. His Government recognized the value of the traditional lore and practices of the indigenous communities for the promotion of sustainable growth and supported the establishment of mechanisms for preserving traditional know-how and technologies and securing payment for their commercial use. In order to raise the living standards of the indigenous peoples, there was a need to encourage alternative means of production and strengthen national institutions for promoting the development of indigenous communities. Together with other countries of the Amazon region, Peru was endeavouring to gain acceptance for such policies in the Preparatory Committee for the United Nations Conference on Environment and Development.

11. Ms. VARGAS (Peru), said that geographical and political factors had hampered the integration and economic and social development of indigenous communities. The impact of terrorism and drug trafficking on those

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communities was growing more serious. Government policy aimed at ensuring minority participation had fallen short of expectations and as a result additional activiites had been undertaken by the Ministry of Education and the army with a view to bringing indigenous and peasant populations into the mainstream of society.

12. Mr. SADI said that he would like more details on the percentage of women serving in government departments, the legislature and the judiciary. With regard to the protection of the family and children, he would welcome information on child prostitution and the situation with regard to trafficking in women and children. He inquired about the extent of the drug abuse problem in Peru, and whether any headway was being made in combating it. On the subject of minorities, it would be useful to know if any affirmative action programmes existed, establishing minimum targets for minorities in various positions. He requested clarification of the Government's environmental protection policy, especially as it was applied to areas inhabited by indigenous people, and whether those areas were experiencing any problems with industrialization.

13. Mr. FODOR said that, with regard to employment of minors, he understood that the law prohibited child labour for those under 14 years of age, but a 1987 report had stated that in practice more than 1 million children under the age of 14 were employed. The delegation should provide any more recent statistics available and should clarify any progress made over the past five years. He wondered if reports of children working in the Madre de Dios gold mines under conditions approaching slavery were correct, and if so, whether the Government was in a position to remedy the situation.

14. Mr. PRADO VALLEJO, referring to section VI (b), said that indigenous peoples were in a difficult situation, with the Shining Path on one side supporting drug producers, and on the other, the army and the police, which severely punished them. He wondered if the Government could provide indigenous peasant communities with any assistance, and whether any effort had been made among the peasant population to substitute other agricultural crops for coca. More information on government programmes and policies would be welcome.

15. Mr. HERNDL said that, with regard to the protection of minorities, the constitutional provisions giving them legal identity were very progressive. It would be interesting to receive statistics on what the Government had done to improve the cultural situation of minorities. Articles 34 and 35 of the Constitution provided for primary education in indigenous languages. He would like to know how that provision affected the issue of integration into the life of the country and access of minorities to public office.

16. Mr. LAZARO (Peru), in response to a question by Mr. Prado Vallejo, said that the government strategy to combat drug trafficking included the situation of indigenous communities in coca-growing regions. One of the prime

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objectives was to enable those communities to enter into negotiations with businesses interested in investing in other crops. The local communities were legally entitled to enter into contracts with both domestic and foreign companies. Peasant communities could also organize politically, which was a part of the memorandum of understanding recently signed with the United States, as well as the Government Alternative development strategy.

17. In response to Mr. Sadi, he said that the drug problem in Peru was mainly related to supply, and it was agreed that responsibility for solving that problem should be shared between producers and consumers. International Narcotics Control Board statistics showed, however, that Peru was among the countries least affected by drug consumption.

18. With regard to protection of street children, several voluntary programmes had recently begun to provide them shelter and food. Those programmes were supported mainly by voluntary contributions, but also received funds from the Government and municipalities. The Government had also undertaken an ambitious project to establish a foundation that would work for the welfare of all the children of Peru. Among the aims of the foundation would be to provide minors employed legally with education and job training in the hope of improving their situation.

19. Affirmative action as such did not exist in Peru. Rather, efforts were focused on ensuring equal access for all citizens in every sphere without distinction.

20. Mr. Herndl had inquired about the participation of indigenous communities and ethnic groups in the life of the country. All groups were totally free to maintain their language and tradition, and the Government accorded them full respect. However, the spread of modern culture often caused dislocations in traditional communities, but that was not the result of any government policy. The rights of indigenous peoples were protected under the Treaty for Amazonian Cooperation and the States of the region had worked together to prepare for the United Nations Conference on Environment and Development. An indigenous person would be among those representing Peru at that conference.

21. Ms. VARGAS (Peru), in answer to Mr. Sadi's question on environmental protection measures, said that the new Penal Code contained a chapter on crimes against the environment and public health. It was one of the few such codes to include provisions of that nature.

22. As to the percentage of women in government posts, there was currently one minister (four in the previous administration), and some 15 to 20 women in the Chamber of Deputies and the Senate. As part of the process of regionalization that was under way in Peru it was expected that all minorities would be better represented in the new regional assemblies and councils that were being established.

23. Mr. LAZARO (Peru), replying to Mr. Fodor's question concerning child labour in the Madre de Dios gold mines, said that child labour had indeed existed at one time, although it had never amounted to slavery; however, the practice had since been abolished.

24. In view of the numerous concerns expressed by the members of the Committee with regard to the observance of civil and political rights, he suggested that it might be appropriate for his Government to submit, within a period of not more than 15 to 20 days, an addendum to the report, addressing in greater detail the areas of concern. He also proposed that the Committee should postpone its observations and recommendations until its July 1992 session, which would be attended by a Peruvian delegation.

25. The CHAIRMAN, supported by Mr. PRADO VALLEJO, Mr. SERRANO CALDERA, Mr. MAVROMMATIS, Mr. MULLERSON and Mr. HERNDL, welcomed the Peruvian representative's suggestion, provided that the Government could furnish the additional information within the specified period.

26. Mr. WENNERGREN said that, while he, too, supported the proposal, he wondered whether the Peruvian delegation might not need to consult the summary records of the past few meetings of the Committee; if so, it would be unable to meet the deadline of 15 to 20 days.

27. The CHAIRMAN said that the summary records in English would be available within one week. If he heard no objection, he would take it that the Committee wished to postpone its final observations, both the individual observations and those of the Committee as a whole, on the second periodic report of Peru until its next session.

28. It was so decided.

29. Mr. Lazaro and Ms. Vargas (Peru) withdrew.

The meeting was suspended at 11.10 a.m. and resumed at 11.25 a.m.

Third periodic report of Colombia (CCPR/C/64/Add.3)

30. At the invitation of the Chairman, Mr. Melo and Mr. Cepeda (Colombia) took places at the Committee table.

31. Mr. MELO (Colombia) said that much had changed in his country since the presentation of its second periodic report in 1988. At that time, his Government had been in the process of developing a new policy on human rights; most of the recommendations made in that area at the time had been put into practice. Further substantial changes had taken place since the submission of the third periodic report in January 1992.

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32. The situation in his country was paradoxical. For the past 20 to 25 years, Colombia had enjoyed one of the highest levels of economic development in Latin America. Its achievements in the area of social policy had been singled out in a recent United Nations Human Development Report. For example, the illiteracy rate had been reduced from approximately 40 per cent in the 1950s to 12 per cent currently. Women and men had equal access to primary, secondary and higher education; 48 per cent of university students were female and there were many women teachers. In the past 20 years, the fertility rate had decreased from an average of seven children per woman to two children, while the birth rate had been reduced from 3.5 per cent to 2 per cent.

33. At the same time, however, those achievements had been offset by a pervasive climate of violence. For 40 years, Colombia had been plagued by a guerrilla movement which had used social and economic disparities as justification for its actions and had also claimed to defend human rights. In addition, the State faced an extraordinary challenge from terrorist groups associated with drug traffickers, which had brought the judicial system to the brink of collapse.

34. In the past four years, Colombia had been making efforts to overcome those difficulties, the main thrust of which had been the development of an integrated policy on human rights, taking into account the various constitutional, legal, institutional, educational and cultural aspects. One of the most central issues, relating to the Constitution, had been addressed through the 1991 constitutional reform, which had been promulgated by an elected Constituent Assembly representing the entire nation. Another major issue, that of the impunity with which certain groups had been operating, was being dealt with through a Government initiative to introduce an adversary system. The problem of impunity had seriously affected the situation of human rights, because it had caused citizens to lose faith in the State's capacity to defend them from guerrilla attacks; accordingly, some individuals, occasionally with the complicity of government officials, had formed "self-defence" or paramilitary groups which had launched extermination campaigns against persons suspected of belonging to the guerrilla movement. At the time of Colombia's second periodic report, the country had been enduring a wave of murders and massacres perpetrated by such groups; the victims had usually been civilians.

35. Since then, substantial reforms had been introduced with a view to protecting human rights. A bill of rights had been adopted; the Constitution had been amended to reflect the country's multicultural character and to grant full equality to indigenous or cultural minorities. As a result, indigenous groups, which made up 2 per cent of the country's population, had three representatives out of a total of 100 members of the Senate. Furthermore, his Government had recognized the right of indigenous people to approximately 25 per cent of the national territory, mainly in the Amazon region; the Constitution declared that right to be inalienable. By protecting the rights of indigenous people, the Government was not only guaranteeing the survival of

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their culture, but was also slowing the process of settlement and destruction of the environment in the regions where indigenous communities were located.

36. The judicial system was being transformed rapidly. A new office, that of the Fiscalía de la República, had been created and had begun to function; a new legal remedy, tutela, had been introduced; the post of Parliamentary Commissioner or ombudsman had been created and filled; and other measures of a similar nature had been adopted. A national strategy to combat violence was being implemented by civilian authorities, and Colombia was currently the only country in South America to have a cabinet made up entirely of civilians.

37. In July 1991, his Government had lifted the state of siege which had been in effect for seven years. At the same time, measures had been adopted to strengthen the security forces and the judicial system, through increased protection of judges and witnesses. In order to address the grave problem of disappearances, procedures had been instituted for the immediate follow-up of reports of disappearances and the conduct of investigations.

38. The fact that the Minister of Defence was a civilian was of special importance for the control of the police force. The police were now fully under civilian authority, without any relationship to the military. The secret police were also, for the first time in many years, under civilian authority.

39. Taken together, those measures had begun to bear fruit. Complaints of torture and disappearances had dramatically decreased, as had assassinations of political figures. Both results had been achieved despite a certain level of continuing violence and a temporary increase in guerrilla activities.

40. Another aspect of the plan to combat violence was the peace initiative. His Government was proposing a negotiated settlement of the conflict with the guerrilla movement. In large part, that had already been achieved; members of the four guerrilla groups which had signed a truce with the Government in late 1990 and early 1991 had taken part in the Constituent Assembly of 1991. His Government had pursued negotiations with those guerrilla groups which had continued to fight and had modified its initial terms, making clear its willingness to accept international supervision of the agreements, as well as the participation in the dialogue of intermediaries from the private sector.

41. Furthermore, in order to cope with the long-term effects of the pervasive climate of violence, his Government had developed various educational programmes on human rights. The Constitution provided that all levels of the armed forces must receive education in human rights and the norms of international humanitarian law, and that such norms must prevail at all times, even under a state of emergency.

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42. Most of the proposals adopted by his Government had originated in recommendations made by United Nations working groups or special rapporteurs who had visited Colombia. Their role in the national effort to overcome the climate of violence and infringements of human rights was very important and had been welcomed by his Government.

43. Mr. CEPEDA (Colombia) said that prior to the recent constitutional reform, factors such as drug trafficking, violence and poverty, and institutional difficulties in addressing those issues, had led to a serious loss of institutional legitimacy. In 1988, the President of the Republic had proposed the holding of a plebiscite on constitutional reform. Despite widespread public support for that initiative, it had not been immediately adopted because of the fear that some members of Congress with ties to drug traffickers would use the proposed reforms to weaken the administration of justice. In March 1990, on the occasion of a mayoral election, a spontaneous plebiscite organized by student groups had reflected overwhelming popular demand for the convening of a Constituent Assembly. The President of the Republic had then used emergency powers to conduct a formal survey of public opinion on the question in May 1990. Thus the state of siege, which had been criticized as a restriction of freedom, had been used to promote democratic change.

44. Following agreement with the major political forces, including the guerrilla group M-19, the Constituent Assembly had been convened. Its members had been elected on the basis of a single national election district, which had given indigenous groups and other minorities an opportunity for representation. The State had provided financing for all political parties and had given them access to the media. The result had been a pluralistic Constituent Assembly representing all sectors and political forces. The new Constitution, promulgated by the Constituent Assembly in July 1991, had increased the State's capacity to deal with drug traffickers, so that the state of siege could be lifted.

45. The new Constitution had strengthened institutional legitimacy and had discredited political violence. He drew attention to an additional document provided by his delegation which described in detail all the constitutional changes affecting human rights.

46. All the rights provided for in the Covenant were protected by the new Constitution. Indeed, in many cases the Covenant had served as a source for the Constitution and particular importance had been given to human rights protection. There was a need for effective legal machinery to implement them and the new Constitution provided that machinery. All citizens had access to any judge in the country to request protection of any fundamental constitutional right which had been threatened or violated by the actions of the public authorities or individuals, and a ruling must be given within 10 days. The newly established Constitutional Court was vigilant in enforcing protection of human rights and had already dealt with many cases.

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47. A new system had also been established for dealing with emergency situations. Instead of a state of siege, provision now existed for declaring a state of domestic disturbance, which could only be imposed if clearly defined circumstances existed and the normal powers available were insufficient. The powers of the President in such situations were to be defined in a law adopted by Congress, which was also empowered to derogate from presidential decrees issued during a state of disturbance. States of disturbance could be imposed only for a 90-day period and any extension required the prior approval of the Senate.

48. However, despite the continuing violence in the country, it was improbable that recourse to such measures would be necessary. The climate in Colombia had changed and authority was exercised by the regular branches of government, as provided for in the Constitution. There were also provisions prohibiting the trial of civilians by military tribunals and the suspension of human rights and fundamental freedoms during states of domestic disturbance. A series of measures were being introduced to protect social and economic rights.

49. There had also been fundamental changes in the electoral system and the Senate now included representatives from all segments of society, including indigenous communities. Efforts were being made to encourage direct participation by citizens through the use of referendums and the introduction of democratic procedures in trade unions, universities, companies and political parties. The new Constitution sought to promote participatory democracy and provide greater territorial autonomy by encouraging regional and local democracy.

50. In short, Colombia had undergone rapid and unprecedented change in the course of the previous year. A peaceful revolution had taken place, affecting all areas of public life. A major effort was required by the Government to implement the constitutional changes, but many of the necessary instruments were already in place and provisions on local democracy and democratic participation were currently being discussed by Congress.

Constitutional and legal framework within which the Covenant is implemented (articles 2 (2) and (3) and 4 of the Covenant) (section I of the list of issues)

51. The CHAIRMAN read out section I of the list of issues concerning the third periodic report of Colombia, namely: (a) effects of the new Constitution on the status of the Covenant within the legal system; (b) practical consequences of the lifting of the state of siege; (c) rights derogated from during successive states of siege and the basis under the new Constitution for ensuring conformity with article 4 (2) of the Covenant in time of emergency; (d) information on impact of guerrilla warfare and drug trafficking on efforts to comply with the provisions of the Covenant, with particular reference to the rights of judges and journalists; (e) measures to

combat "death squads", paramilitary groups and private militia; and (f) follow-up action in response to views concerning Colombia adopted by the Committee under the Optional Protocol.

52. Mr. CEPEDA (Colombia), referring to section I (a), said that the new Constitution incorporated all the rights laid down in the Covenant. Indeed, in some areas it had sought to go further, while new mechanisms had been established to ensure rapid and effective compliance with human rights provisions.

53. Referring to section I (b), he said that new provisions had now been introduced to deal with states of emergency. He noted that the state of siege had been used to induce members of armed groups to return to civilian pursuits by authorizing their participation in the elections to the Constituent Assembly. It had also been used to provide protection from intimidation and threats for judges and witnesses involved in drug-trafficking trials. A special autonomous jurisdiction had been established for that purpose with a system of confidentiality to protect the identity of judges and witnesses. Measures had been adopted to strengthen the administration of justice and the Constituent Assembly had sought to give continuity to those measures through its special legislative committee, which included representation from all segments of society, including indigenous communities and groups such as M-19.

54. Referring to section I (c), he said that in 1990 the Supreme Court had found some of the decrees promulgated during the state of siege to be unconstitutional. Measures had been taken to restrict trade union freedoms in order to guarantee public services during a strike and prevent action by trade union activists who supported guerrilla groups. However, the restrictions in question had been rapidly lifted and in any case had subsequently been declared constitutional by the Supreme Court.

55. Under the new Constitution, the state of siege provisions no longer existed and the suspension of human rights or fundamental freedoms during a state of emergency was now prohibited. The Government had submitted a bill to Congress introducing judicial and political control over any efforts to restrict human rights provisions, which could be limited under exceptional circumstances but not suspended.

56. Mr. MELO (Colombia), referring to section I (d) and (e), said that guerrilla activities directed against the civilian population posed very complex human rights and public order problems, particularly as they were mainly confined to rural areas in which the State could maintain only a limited presence. Guerrilla warfare frequently led to retaliation by civilians, who were entitled by law to form armed groups under military protection for the purpose of self-defence. However, that was a dangerous provision, since many such groups had become independent of the State and were attempting to tackle guerrilla forces directly, especially in areas where drug trafficking was prevalent.

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57. The main forms of guerrilla activities were protection rackets and kidnapping for ransom. Beginning in 1989, measures had been adopted to attempt to deal with the impact of those activities on human rights. However, traditional land-owners were selling out because of guerrilla activity and being replaced by new owners experienced in armed warfare and with vast resources at their disposal from the international drug trade, enabling them to equip themselves with weapons more sophisticated than those possessed by the police or security forces. Negotiations with the guerrillas had helped reduce their direct participation in drug trafficking and had curbed retaliatory action against those suspected of ties with guerrilla groups. Some groups had handed over their weapons, while others had simply disbanded.

58. It had been decided to abolish penalties for those accused of membership of armed self-defence groups declared illegal by the Government, provided that they had not committed other crimes. That measure was helping to lessen the impact of such groups' activities. It was true that the security forces had been prohibited from making arrests when not in military uniform, but it was difficult to monitor illegal retaliatory actions by members of police and security forces. In any case, he did not feel that there was any close connection between those two issues.

59. Referring to section I (f), he said that the communications in question referred in large part to situations which had now been overtaken by the new constitutional changes. Some of the communications referred to detention procedures, which were now being radically revised. Under the new Constitution administrative detention was no longer allowed and all detainees had to be brought before a judge with 36 hours. He did not have specific information on hand on individual cases, but further details could be provided in due course.

60. Mr. AGUILAR said that, in view of his personal acquaintance with one of the members of the Colombian delegation, he would not take part in the discussion.

61. Mr. SADI requested clarification on the status of the Covenant within the Colombian legal system. Paragraph 37 of the report indicated that the Covenant had been incorporated into Colombian law, while the first sentence of paragraph 38 implied that efforts were still being made to bring constitutional procedures more into line with the terms of the Covenant.

62. He welcomed the fact that Colombia was considering ratification of the Protocol I Additional to the Geneva Conventions of 1949, and he inquired whether Colombia had ratified the Protocol or whether it was still being dealt with by the Senate. He also wished to know Colombia's position regarding Protocol II Additional to the Geneva Conventions of 1949.

63. Mr. MAVROMMATIS wished to know why the new Constitution did not prohibit discrimination on the grounds of colour, religion or property.

(Mr. Mavrommatis)

64. A number of factors exacerbated the socio-economic and political situation in Colombia. Colombia had a very large army whose structure and institutions were to a great extent independent of civilian control. While it was understandable that the current situation called for a strong army, Colombia should review the status of its armed forces and military institutions. Moreover, it was important to ensure the independence of investigations and the effective follow-up of alleged human rights violations.

65. He expressed concern about the de facto and de jure impunity of armed forces and the police. In his opinion, members of the armed forces accused of committing excesses should be tried in a civilian court. Moreover, according to article 91 of the Constitution, obedience to an order given by a superior could constitute a defence if the order had been given and carried out in the line of duty. In that regard, Colombian law lagged far beyond international standards.

66. Mr. SERRANO CALDERA said that Colombia was beset with a number of social, economic and political problems that had been compounded by the relatively new phenomenon of drug trafficking. Drug trafficking was an international phenomenon that affected all countries which produced, supplied, processed and consumed narcotic substances. There was therefore a need for international efforts and legal instruments to control that phenomenon. Both producer and consumer countries must establish appropriate mechanisms to punish and, in particular, prevent drug trafficking.

67. The third periodic report and the Colombian delegation's presentation gave the impression that Colombia had adopted a comprehensive structural plan designed to deal with problems that could not be solved by repressive or punitive measures. Colombia had established mechanisms for combating such problems as guerrilla warfare, drug trafficking, social disintegration and possible corruption. That coherent comprehensive approach provided Colombian society with the appropriate legal, economic and social institutions for promoting stability and development.

68. The Colombian delegation should explain the status of the Covenant as an autonomous legal instrument in Colombian legislation, indicating what place it occupied in the hierarchy of legal norms. He wondered whether a violation of the Covenant could be appealed before the ordinary courts. He also wished to know whether the Covenant had the status of constitutional or ordinary law, or some other status. If the Covenant had the status of constitutional law, was it possible to institute proceedings when it was felt that a provision of the Constitution violated one of the human rights guaranteed in the Covenant? He wondered whether any citizen could institute such proceedings or whether certain qualifications had to be met before a person could appeal to the Constitutional Court. Could a complaint of a violation of a provision of the Constitution be brought before a civilian or criminal court, or could such a violation be invoked only in the Constitutional Court? If the first hypothesis was correct, he wished to know whether the trial was suspended or

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whether the proceedings continued until the Constitutional Court took cognizance of the specific case. Finally, he inquired whether the Constitutional Court could strike down a law that it had found to be unconstitutional or if it simply declared its inapplicability in specific cases brought before it.

The meeting rose at 1.05 p.m.